



IAP6 Rec'd PCT/PTO

FEB 2006

Atty. Dkt. No. 046516-0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Patrick JUNG et al.  
Title: SOLDERED REFRIGERANT CONDENSER  
Appl. No.: 10/508,921  
Filing Date: September 24, 2004  
Examiner: Unknown  
Art Unit: Unknown

**RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following joint inventor for the above-captioned patent application is a nonsigning inventor who refuses to join in the present application:

Alain MAURER

Pursuant to 37 C.F.R. § 1.47(a), Applicant hereby petitions for consideration of the Declaration and Power of Attorney submitted herewith, which has been signed by all of the joint inventors of the above-captioned patent application except Alain MAURER, and has been signed by all of the available inventors (as indicated by inventor Patrick Jung) on behalf of inventor Alain MAURER.

In support of this petition, Applicant submits that:

1. The Declaration and Power of Attorney submitted herewith as Appendix A has been signed by all of the available joint inventors and for and on behalf of the nonsigning inventor (Alain MAURER).

02/10/2006 HALI11 00000147 10508921

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200.00 DP

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LEB IP 5032

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RECEIVED  
13 MAR 2006  
Legal Staff  
International Division

MPEP § 409.03(a) states that “[a]n oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all of the available joint inventors on behalf of the nonsigning inventors, unless otherwise indicated.” In the present instance, the Declaration has been signed by all of the available inventors, and the signature block of Mr. Alain MAURER has been left blank. Thus, Applicant respectfully submits that the submitted Declaration and Power of Attorney is in support of an “application [] made by the other inventor on behalf of himself or herself and the nonsigning inventor,” pursuant to 37 C.F.R. § 1.47(a).

2. A Declaration by the Person to Whom the Refusal was Made is attached hereto as Appendix B.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP §§ 409.03(a) and 409.03(d), the attached Declaration sets forth facts showing that a bona fide attempt has been made to present the application papers and obtain signatures from Alain Maurer and showing Alain Maurer’s effective refusal to execute the application papers.

3. A certified translation of exhibits 1-6 accompanying the Declaration by the Person to Whom the Refusal was Made is attached hereto as Appendix C.


3. An updated Statement of Last Known Address of Nonsigning Inventor Pursuant to 37 C.F.R. §1.47(a) is attached hereto as Appendix D.

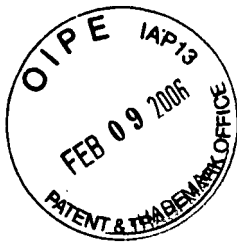
4. The petition fee required by 37 C.F.R. §1.17(g) is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

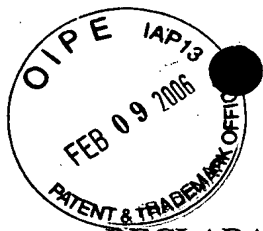
Date 2/9/06

FOLEY & LARDNER LLP  
Washington Harbour  
P.O. Box 25696  
3000 K Street N.W., Suite 500  
Washington, D.C. 20007-8696  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

By   
for Reg. No. 47,369  
Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479



# APPENDIX A



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SOLDERED REFRIGERANT CONDENSER

(Attorney Docket No. 046516-0101)

the specification of which (check one)

       is attached hereto.

  X   was filed on March 14, 2003 as United States Application Number or PCT International Application Number PCT/EP03/02662 and was amended on                      (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear,

concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country                     | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|-----------------------------|---------------------|-------------------|--------------------------|
| 102 13 194.5                     | Federal Republic of Germany | 25 March 2002       | YES               |                          |
|                                  |                             |                     |                   |                          |
|                                  |                             |                     |                   |                          |

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
|                                     |             |
|                                     |             |
|                                     |             |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
|                                |                               |                    |                      |

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

I HEREBY APPOINT the registered attorneys and agents at Customer Number

**22428**

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

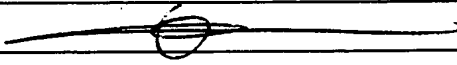
I request that all correspondence be directed to:

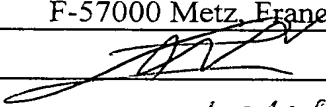
Richard L. Schwaab  
FOLEY & LARDNER LLP  
Customer Number: 22428

Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

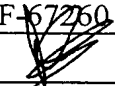
I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

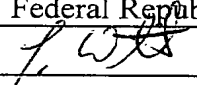
I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|                        |  |
|------------------------|--|
| Name of first inventor | Patrick JUNG   |
| Residence              | Roth, France   |
| Citizenship            | France   |
| Post Office Address    | 10, impasse des Jonquilles<br>F-57910 Roth, France                                   |
| Inventor's signature   |  |
| Date                   | 2/9/04   |

Name of second inventor Sylvain LOUIS  
Residence Metz, France  
Citizenship France  
Post Office Address 31, rue des Jardiniers  
F-57000 Metz, France  
Inventor's signature   
Date 02/03/05

Name of third inventor Alain MAURER  
Residence Weislingen, France  
Citizenship France  
Post Office Address 5, impasse de l'Eglise  
F-67290 Weislingen, France  
Inventor's signature  
Date

Name of fourth inventor Christian MICHELS  
Residence Kaskatel, France  
Citizenship France  
Post Office Address 20, rue de Lorraine  
F-67260 Kaskatel, France  
Inventor's signature   
Date 02/09/04

Name of fifth inventor Gerrit WÖLK  
Residence Stuttgart, Federal Republic of Germany  
Citizenship Federal Republic of Germany  
Post Office Address Olgastrasse 126  
D-70180 Stuttgart  
Federal Republic of Germany  
Inventor's signature   
Date 15.09.04





# APPENDIX B



Atty. Dkt. No. 046516/0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Patrick JUNG et al.

Title: SOLDERED REFRIGERANT CONDENSER

Appl. No.: 10/508,921

Filing Date: September 24, 2004

Examiner: Unknown

Art Unit: Unknown

**DECLARATION BY THE PERSON TO WHOM THE REFUSAL WAS MADE**

Mail Stop: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

I, Gisela Reusrath, state and declare that:

1. I am Secretary to the head of the Intellectual Property Department at Behr GmbH & Co. KG. I have served as Secretary to the head of the Intellectual Property Department at Behr GmbH & Co. KG since 1998. I have been employed by Behr GmbH & Co. KG since 1986.

2. A bona fide attempt has been made to present a copy of the above-captioned patent application and declaration to Mr. Alain Maurer for his review and signature. Documentary evidence to support this bona fide attempt is as follows:

(a) On September 8, 2004, I sent to Mr. Maurer a letter enclosing two documents, titled (1) "Declaration" and (2) "Assignment," for his review and signature. A copy of the letter is attached as Exhibit 1.

The letter and enclosures of Exhibit 1 were sent via Deutsche Post, the German Postal Service, to the last known residence address of Mr. Maurer as of September 8, 2004, namely, 5, impasse de l'Eglise, F-62790 Weislingen, FRANCE.

(b) On November 19, 2004, I sent to Mr. Maurer a reminder regarding our correspondence dated September 8, 2004 and enclosed two documents, titled (1) "Declaration" and (2) "Assignment," for his review and signature as well as another copy of the letter attached hereto as Exhibit 1.

The letter and enclosures of Exhibit 1 were sent via Deutsche Post, the German Postal Service, to the last known residence address of Mr. Maurer as of September 8, 2004, namely, 5, impasse de l'Eglise, F-62790 Weislingen, FRANCE.

(c) On December 15, 2004, I sent to Mr. Maurer a reminder regarding our correspondence dated September 8, 2004 and enclosed two documents, titled (1) "Declaration" and (2) "Assignment," for his review and signature as well as another copy of the letter attached hereto as Exhibit 1.

The letter and enclosures of Exhibit 1 were sent via Deutsche Post, the German Postal Service, to the last known residence address of Mr. Maurer as of September 8, 2004, namely, 5, impasse de l'Eglise, F-62790 Weislingen, FRANCE.

(d) On April 22, 2005, I sent to Mr. Maurer a reminder regarding our correspondence dated September 8, 2004 and enclosed two documents, titled (1) "Declaration" and (2) "Assignment," for his review and signature as well as another copy of the letter attached hereto as Exhibit 1.

The letter and enclosures of Exhibit 1 were sent via Deutsche Post, the German Postal Service, to the last known residence address of Mr. Maurer as of April 22, 2005, namely, 8B, rue des fermes, 57520 Grossbliederstorff, FRANCE.

(e) On June 20, 2005, I sent to Mr. Maurer a letter regarding a South African patent application related to the captioned application and enclosed an assignment document for his review and signature. A copy of the letter is attached as Exhibit 2.

The letter and enclosure of Exhibit 2 were sent via Deutsche Post, the German Postal Service, to the last known residence address of Mr. Maurer as of April 22, 2005, namely, 8B, rue des fermes, 57520 Grossbliederstorff, FRANCE.

(f) On July 28, 2005, I sent to Mr. Maurer a reminder regarding our correspondence dated June 20, 2005 and enclosed an assignment document for his review and signature as well as another copy of the letter attached hereto as Exhibit 2.

The letter and enclosure of Exhibit 2 were sent via Deutsche Post, the German Postal Service, to the last known residence address of Mr. Maurer as of April 22, 2005, namely, 8B, rue des fermes, 57520 Grossbliederstorff, FRANCE.

(g) On October 11, 2005, Ms. F. Pilavdzic, acting under my direction, sent to Mr. Maurer a letter enclosing two documents titled (1) "Declaration", and (2) "Assignment", for his review and signature. A copy of the letter is attached as Exhibit 3.

The letter and enclosures of Exhibit 3 were sent via Deutsche Post, the German Postal Service, return receipt requested, to the last known residence address of Mr. Maurer as of June 20, 2005, namely, 8B, rue des fermes, 57520 Grossbliederstorff, FRANCE. A copy of the returned receipt is attached as Exhibit 4, showing a date of October 14, 2005 and the name of the recipient.

(h) On December 21, 2005, Ms. F. Pilavdzic, acting under my direction, sent to Mr. Maurer a reminder regarding our correspondence dated October 21, 2005 and enclosed two documents titled (1) "Declaration", and (2) "Assignment" for his review and signature as well as another copy of the letter dated October 21, 2005. The copy of the letter dated October 21, 2005 is attached hereto as Exhibit 5

The letter and enclosures of Exhibit 3 were sent via Deutsche Post, the German Postal Service, return receipt requested, to the last known residence address of Mr. Maurer as of June 20, 2005, namely, 8B, rue des fermes, 57520 Grossbliederstorff, FRANCE. A copy of the returned receipt is attached as Exhibit 6, showing a date of December 27, 2005 and the name of the recipient.

3. The signature on Exhibit 5 and Exhibit 6 appears to be the same as the signature of Mr. Alain Maurer which appears in the records of the Intellectual Property Department at Behr GmbH & Co. KG, an example of which is attached hereto as Exhibit 7.

4. From September 8, 2004 to present, with the exception of the return receipts attached as Exhibit 4 and Exhibit 6, I have not received any communication nor correspondence

from Mr. Maurer. To date, Mr. Maurer has not signed and returned a declaration or oath for the above-captioned patent application.

5. Mr. Maurer's employment with Behr GmbH & Co. KG has been terminated.

6. Mr. Maurer's nonresponsiveness since September 8, 2004 supports a conclusion of conduct constituting a refusal to sign the application papers and a refusal to join in the present application.

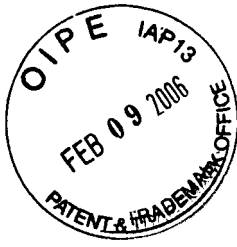
7. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned patent application or any patent issuing thereon.

Respectfully submitted,

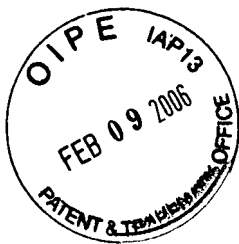
Date 2006/02/09

Behr GmbH & Co. KG  
Mauserstraße 3  
70469 Stuttgart  
GERMANY  
Telephone: +49 711 896-2896  
Fax: +49 711 896-3549

By   
Gisela Reusrath



# EXHIBIT 1



BEHR

Herrn  
Alain Maurer  
5, impasse de l'Eglise

F - 67290 Weislingen

*mit neuer  
Beschriftung  
genommen  
22.4.05*

Intellectual Property, G-IP  
Herr Dr. Grauel  
Telefon: +49(0)711 896 2891  
Telefax: +49(0)711 896 3549  
andreas.grauel@behrgroup.com  
8. September 2004/RR

**Internationale Patentanmeldung in USA und Südafrika: 03/02662**

Erfinder: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis,  
Alain Maurer, Christian Michels

Unser Zeichen : 01-B-147 WO/US, ZA

*in B.M. 04  
+ 15.12.04/m*

Sehr geehrter Herr Maurer,

zu o. g. Patentanmeldung sind die Anmelde-Unterlagen für USA und Südafrika eingetroffen, die von Ihnen unterschrieben werden müssen.

Als Anlage erhalten Sie die jeweiligen Formulare „Declaration“ und „Assignment“ mit der Bitte, diese an den bezeichneten Stellen zu unterschreiben und mit Datum zu versehen.

Für eine möglichst rasche Rücksendung der Unterlagen wären wir Ihnen dankbar.

Mit freundlichen Grüßen

BEHR GmbH & Co. KG  
Intellectual Property

*f. Reusrath*  
i. A. G. Reusrath  
(Sekretariat)

Anlagen

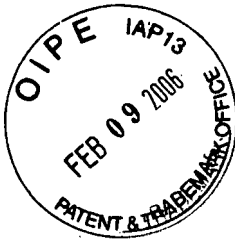
Behr GmbH & Co. KG  
Mausersstraße 3  
D-70469 Stuttgart  
Postfach 30 09 20  
D-70449 Stuttgart

Tel.: +49 (0)7 11/896-0  
Fax: +49 (0)7 11/89 02-4000  
www.behrgroup.com

Sitz Stuttgart  
Registergericht Stuttgart HRA 2257  
Persönlich haftende Gesellschafterin:  
Behr Verwaltung GmbH, Sitz Stuttgart  
Registergericht Stuttgart HRB 3333

Vorsitzender des  
Aufsichtsrates:  
Dipl.-Kfm. Horst Geidel

Geschäftsführung:  
Dr.-Ing./U. Cat. Markus Flik; Sprecher  
Colin Carter, MBA  
Dipl.-Wirtschaftsingen. Hans-Joachim Lange  
Dipl.-Kfm. Wolfgang Schäfer, MBA  
Dipl.-Ing. Klemens Schmiederer  
Dr.-Ing. Andreas Thumm



# EXHIBIT 2



**BEHR**

Erinnerung  
ab am 28.7.

m

Herrn  
Alain Maurer  
8B, rue des fermes  
57520 Grossbliederstorf  
FRANCE

Intellectual Property, G-IP  
Herr Dr. Grauel  
Telefon: +49(0)711 896 2891  
Telefax: +49(0)711 896 3549  
andreas.grauel@behrgroup.com  
20. Juni 2005/RR

**Internationale Patentanmeldung in Südafrika: 2004/6468**

Titel: Gelöteter Kältemittelkondensator  
Erfinder:: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain  
Maurer, Christian Michels  
Unser Zeichen : 01-B-147 WO/ZA

Sehr geehrter Herr Maurer,

zu o. g. Patentanmeldung erhielten Sie das Formular „Assignment“ mit der Bitte um Unterschrift. Wir sind aufgefordert, dieses bis **Ende Juli** beim Patentamt in Südafrika einzureichen. Als Anlage übersenden wir Ihnen daher das Assignment noch einmal und bitten Sie, uns dieses möglichst schnell unterschrieben wieder zurückzusenden.

Sollte das Assignment nicht rechtzeitig eingehen, können Sie nicht als Erfinder genannt werden.

Mit freundlichen Grüßen

BEHR GmbH & Co. KG  
Intellectual Property



G. Reusrath  
(Sekretariat)

Anlage

# **EXHIBIT 3**

**BEHR**

Einschreiben/Rückschein

Herrn  
Alain Maurer  
8B, rue des fermes  
57520 GROSSBLIEDERSTORFF  
FRANKREICH

Intellectual Property, G-IP  
Herr Dr. Grauel  
Telefon: +49(0)711 896 2891  
Telefax: +49(0)711 896 3549  
andreas.grauel@behrgroup.com  
11. Oktober 2005/FP

**Patentanmeldung in USA und Südafrika aus internationaler Anmeldung 03/02662**

Erfinder: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain Maurer, Christian Michels

Titel: Gelöteter Kältemittelkondensator

Unser Zeichen : 01-B-147 WO/US und 01-B-147 WO/ZA

Sehr geehrter Herr Maurer,

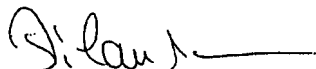
wir nehmen Bezug auf unsere vorhergehende Korrespondenz bezüglich der Formulare (Assignments/Declarations) für die Patentanmeldungen in USA und Südafrika, die wir Ihnen zur Unterschrift übersandt haben.

Beiliegend erhalten Sie nochmals eine Kopie der Formulare mit der Bitte, diese datiert und unterschrieben an uns zurückzusenden. Einen adressierten Rückumschlag fügen wir bei.

Ihre Unterschrift muss **dringend** bei den zuständigen Patentämtern nachgereicht werden. **Bitte** schicken Sie uns deshalb die unterschriebenen Formulare **schnellstmöglich zurück**. Vielen Dank.

Mit freundlichen Grüßen

BEHR GmbH & Co. KG  
Intellectual Property



F. Pilavdzic  
(Sekretariat)

Anlage

Behr GmbH & Co. KG  
Mauserstraße 3  
70469 Stuttgart, Deutschland  
Postfach 30 09 20  
70449 Stuttgart, Deutschland

Tel.: +49 (0)711/896-0  
Fax: +49 (0)711/8902-4000  
www.behrgroup.com

Sitz Stuttgart  
Registergericht Stuttgart HRA 2257  
Persönlich haftende Gesellschafterin:  
Behr Verwaltung GmbH, Sitz Stuttgart  
Registergericht Stuttgart HRB 3333

Vorsitzender des  
Aufsichtsrates:  
Dipl.-Kfm. Horst Geidel

Geschäftsführung:  
Dr.-Ing./U. Cal. Markus Flik; Sprecher  
Colin Carter, MBA  
Dipl.-Kfm. Wolfgang Schäfer, MBA  
Dipl.-Ing. Klemens Schmiederer



# EXHIBIT 4



01-B-147  
Wolke

01-B-147 40/2A

| Deutsche Post AG<br>Entreprise des Postes allemandes S. A.   |  | Rückschein / Auszahlungsschein / Gutschriftsanzeige<br>Avis de réception / Avis de paiement / Avis d'inscription               |  |
|--|--|--|--|
| Einlieferungs-<br>9/Bureau de dépôt  | Datum / Date   | Advice of delivery<br>CN 07  |  |
| Empfänger der Sendung / Destataire de l'envoi<br><i>Alain Mauser</i>   |  |  |  |
| Art der Sendung / Nature de l'envoi  |  |  |  |
| <input checked="" type="checkbox"/> Brief/Vorhang<br>Lettre/Prioritaire  | <input type="checkbox"/> Paket<br>Colis                | Eingang bei G-IP<br>18. Okt. 2005  |  |
| <input checked="" type="checkbox"/> Einschreiben<br>Recommandé   | <input type="checkbox"/> Wertangabe<br>Valeur déclarée | Postsache<br>Service des postes<br>Stempel des Postamts<br>das den Schein zurücksendet<br>Timbre du bureau<br>renvoyant l'avis |  |
| Einlieferungs-Nr. der Sendung / N° de l'envoi  | Betrag / Montant                                       | Erst-<br>Luftpost<br>Prioritaire Par avion   |  |
| Gewöhnliche Anweisung / Mandat ordinaire<br>Zahlkarte / de versement   | Betrag / Montant                                       | Zurücksenden an / Remettre à / Return to<br>Name oder Firma / Nom ou raison sociale  |  |
| Auslieferungsnachweis /<br>Chèque d'assignation  |  | Name oder Firma / Nom ou raison sociale<br>Behr GmbH & Co. KG<br>Patentabteilung G-IP<br>Mauserstrasse 3<br>D- 70469 Stuttgart |  |
| Am Bestimmungsort auszufüllen / A compléter à destination  |  | Name oder Firma / Nom ou raison sociale  |  |
| Der o. g. Betrag wurde ordnungsgemäß /<br>L'envoi mentionné ci-dessus a été dûment   |  | Name oder Firma / Nom ou raison sociale  |  |
| ausgehändigt /<br>remis  |  | Name oder Firma / Nom ou raison sociale  |  |
| ausgezahlt /<br>payé   |  | Name oder Firma / Nom ou raison sociale  |  |
| Datum und Unterschrift / Date et signature<br><i>Alain Mauser</i>  |  | Name oder Firma / Nom ou raison sociale  |  |
| Diese(r) Schein(s)anzeige kann vom Empfänger oder, wenn die Vorschriften des Bestimmungsortes dies vorsehen, von einem Beauftragten oder vom Mitarbeiter des Bestimmungsamts unterschrieben werden.<br>Cet avis pourra être signé par le destinataire ou, si les règlements du pays de destination le prévoient, par une autre personne autorisée ou par l'agent du bureau de destination. |  |  |  |

# **EXHIBIT 5**

**BEHR**

Einschreiben/Rückschein

Herrn  
Alain Maurer  
8B, rue des fermes  
57520 GROSSBLIEDERSTORFF  
FRANKREICH

ERINNERUNG/  
REMINDER

21.12.05 F. Pilavdzic

F. Pilavdzic  
G-IP, F-2893

21. Dez. 2005

Intellectual Property, G-IP  
Herr Dr. Grauel  
Telefon: +49(0)711 896 2891  
Telefax: +49(0)711 896 3549  
andreas.grauel@behrgroup.com  
11. Oktober 2005/FP

**Patentanmeldung in USA und Südafrika aus internationaler Anmeldung 03/02662**

Erfinder: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain Maurer, Christian Michels

Titel: Gelöteter Kältemittelkondensator

Unser Zeichen : 01-B-147 WO/US und 01-B-147 WO/ZA

Sehr geehrter Herr Maurer,

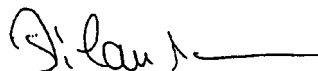
wir nehmen Bezug auf unsere vorhergehende Korrespondenz bezüglich der Formulare (Assignments/Declarations) für die Patentanmeldungen in USA und Südafrika, die wir Ihnen zur Unterschrift übersandt haben.

Beiliegend erhalten Sie nochmals eine Kopie der Formulare mit der Bitte, diese datiert und unterschrieben an uns zurückzusenden. Einen adressierten Rückumschlag fügen wir bei.

Ihre Unterschrift muss **dringend** bei den zuständigen Patentämtern nachgereicht werden. **Bitte** schicken Sie uns deshalb die unterschriebenen Formulare **schnellstmöglich zurück**. Vielen Dank.

Mit freundlichen Grüßen

BEHR GmbH & Co. KG  
Intellectual Property

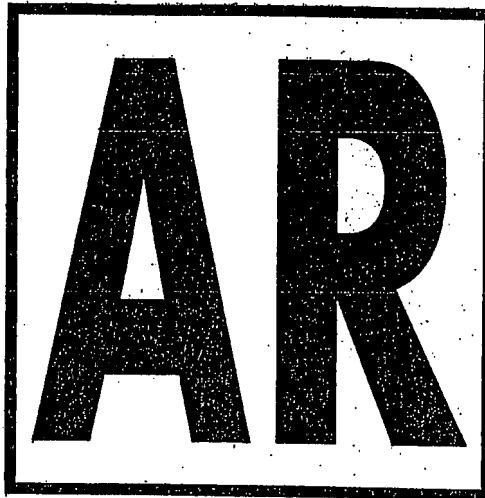


F. Pilavdzic  
(Sekretariat)

Anlage

# EXHIBIT 6





01-B-147 W0145

01-B-147 W012A

| Deutsche Post AG  |  | Rückschein / Auszahlungsschein / Gutschriftsanzeige   |  |
|---|--|---|--|
| Entreprise des Postes allemandes S. A.  |  | Avis de réception / Avis de paiement / Avis d'inscription                                     |  |
| Einlieferungsfiliale / Bureau de dépôt  |  | Datum / Date  |  |
| Empfänger der Sendung / Destinataire de l'envoi   |  | Advice of delivery CN 07  |  |
| Alain Mauser  |  | Postsache<br>Service des postes   |  |
| Art der Sendung / Nature de l'envoi   |  | Stempel des Postamts,<br>das den Schein zurücksendet.<br>Timbre du bureau<br>renvoyant l'avis |  |
| <input checked="" type="checkbox"/> Brief / Vorrang<br>Lettre / Prioritaire   | <input type="checkbox"/> Paket<br>Colis                | Luftpost<br>Prioritaire Par avion   |  |
| <input checked="" type="checkbox"/> Einschreiben<br>Recommandé  | <input type="checkbox"/> Wertangabe<br>Valeur déclarée | Zurücksenden an / Renvoyer à / Return to  |  |
| Einlieferungs-Nr. der Sendung / N° de l'envoi   |  | 17-12-2005  |  |
| Betrag / Montant  |  | 33-SARREGUEMINES CC   |  |
| Gewöhnliche Anweisung / Mandat ordinaire  | Betrag / Montant                                       | 17-12-2005  |  |
| Zahlkarte /<br>de versement   | Auslieferungsnachweis /<br>Chèque d'assignation        | CC  |  |
| Am Bestimmungsort auszufüllen / A compléter à destination   |  |   |  |
| O. g. Sendung/Betrag wurde ordnungsgemäß /<br>L'envoi mentionné ci-dessus a été dûment  |  |   |  |
| <input checked="" type="checkbox"/> ausgehändigt<br>remis   | <input type="checkbox"/> ausgezahlt<br>payé            | dem Postbankkonto<br>gutgeschrieben<br>inscrit en CCP   |  |
| Datum und Unterschrift / Date et signature  |  |   |  |
| 12/12/05  |  |   |  |
| Dieser/This Schein/Anzeige kann vom Empfänger oder wenn die Vorschriften des Bestimmungslandes dies vorsehen, von einem Beauftragten oder vom Mitarbeiter des Bestimmungsamts unterschrieben werden.<br>Cet avis pourra être signé par le destinataire ou, si les règlements du pays de destination le prévoient, par une autre personne autorisée au per l'agent du bureau de destination. |  |   |  |

# **EXHIBIT 7**

Heat up. Cool down.

Betriebsmitteilung

**BEHR**

Verteiler  
H. Dr. Grauel, G-IP

Eingang bei G-IP  
22. März 2002  
Erl.: .....

**Erfindungsmeldung vom 23.11.2001, eingegangen am 23.11.2001**

Titel: Nicht austauschbarer Trockner

Behr-Zeichen: 01-B-147

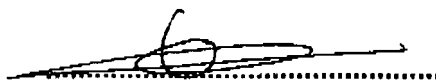
Erfinder: Patrick Jung, Sylvain Louis, Alain Maurer, Christian Michels, Dr.-Ing.  
Gerrit Wölk**Ihre Mitteilung vom 20.02.02**

Die Erfindung ist in dem übersandten Entwurf richtig und vollständig dargestellt. Der Entwurf kann daher beim Deutschen Patent- und Markenamt

- ☐ unverändert  
☒ mit den im Entwurf handschriftlich angemarkten Änderungen  
☐ nach Rücksprache

eingereicht werden.

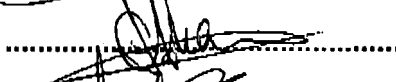
Patrick Jung



Sylvain Louis



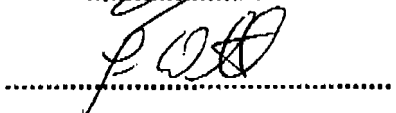
Alain Maurer



Christian Michels



Dr.-Ing. Gerrit Wölk



# APPENDIX C

BEHR

To:

Alain Maurer

5, Impasse de l'Eglise

F-67290 Weislingen

[This address crossed out, and the following

written in manuscript:] Reminder with new address 22 April 05

Intellectual Property, G-IP

To: Dr. Grauel

Telephone: +49(0)711 896 2891

Telefax: +49(0)711 896 3549

[andreas.grauel@behrgroup.com](mailto:andreas.grauel@behrgroup.com)

8 September 2004/RR

[in manuscript:]

19 Nov. 2004

[initials]

+ 15 Dec. 2004

International Patent Application in the USA and South Africa: 03/02662

Inventors: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain Maurer, Christian Michels

Our ref.: 01-B-147 WO/US, ZA

Dear Herr Maurer,

The application documents for USA and South America on the above patent application have come in and must be signed by you.

Attached you receive the "Declaration" and "Assignment" forms with the request that you sign and date them at the appropriate places.

We would appreciate the return of the documents as quickly as possible.

With best regards,

BEHR GmbH &amp; Co. KG

Intellectual Property

[signature]

pp G. Reusrath  
(Secretariat)

Enclosures

BEHR

To:  
Herr Alain Maurer  
8B, rue des fermes  
57520 Grossbliederstorff  
FRANCE

Reminder as on 28 July

Intellectual Property, G-IP  
Dr. Grauel  
Telephone: +49(0)711 896 2891  
Telefax: +49(0)711 896 3549  
[andreas.grauel@behrgroup.com](mailto:andreas.grauel@behrgroup.com)  
20 June 2005/RR

International Patent Application in South Africa: 2004/6468

Title: Soldered Refrigerant Condenser

Inventors: Inventors: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain Maurer,  
Christian Michels

Our ref.: 01-B-147 WO/ZA

Dear Herr Maurer:

On the above patent application, you received the "Assignment" form with the request that you sign it. We have been required to send it to the Patent Office in South Africa by the **end of July**. We are therefore sending you the assignment attached hereto once again and request that you sign it as quickly as possible and send it back to us.

If the assignment should not go in in due time you cannot be named as inventor.

Yours truly,

BEHR GmbH & Co. KG  
Intellectual Property  
[s] G. Reusrath  
G. Reusrath  
(Secretariat)

Registered/Return Receipt

To:  
Mr. Alain Maurer  
8B rue des fermes  
57520 GROSSBLIEDERSTORFF  
FRANCE

BEHR

Intellectual Property, G-IP  
Dr. Grauel  
Telephone: +49(0)711 896 2891  
Telefax: +49(0)711 896 3549  
[andreas.grauel@behrgroup.com](mailto:andreas.grauel@behrgroup.com)  
11 October 2005/FP

International Patent Application in USA and South Africa: 03/02662 from International  
Application 03/02662  
Inventors: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain Maurer, Christian Michels  
Title: Soldered Refrigerant Condenser  
Our ref.: 01-B-147 WO/US, and 01-B-147 WO/ZA

Dear Mr. Maurer:

We refer to our previous correspondence regarding the forms (Assignments/Declarations) for the patent applications in the USA and South Africa, which we sent to you for signature.

Appended you again receive a copy of the forms with the request that you send them back to us signed and dated. We append an addressed return envelope.

Your signature must urgently be send to the responsible patent offices. Please therefore send the signed documents back to us as quickly as possible. Many thanks.

With best regards

BEHR GmbH & Co. KG  
Intellectual Property

[s] Pilavdzic

F. Pilavdzic  
(Secretariat)

Attachment

[01-B0147 W0/US]

[logo AR inverted]

[01-B-147 WO/SA]

German Postal Services AG

Receipt / Payment notice / Notice of  
Inscription

[line repeated in French]

Office of mailing

Date Received at G-IP  
18 Oct. 2005

Receiver

Mail

[signature] Alain Maurer

Postal Service

Stamp of the returning post office

Nature of mail

☒ Letter/Priority☒ RegisteredAir mail [a stamp]: Sarreguemines 5 PM Oct. 14  
2005 Moselle

To be filled out by receiving PO

Date and signature

[illegible signature] 14 Oct. 05

Behr GmbH & Co. KG  
Patent Department G-IP  
Mauerstrasse 3

D-70469 Stuttgart



Registered with return receipt

To:  
Alain Maurer  
8B, rue des fermes  
57520 GROSSBLIEDERSTORFF  
France

## REMINDER

21 December '05 /[s] Pilavdzic  
F. Pilavdzic  
G-IP, F-2893 21 Dec. 2005

Intellectual Property, G-IP  
Dr. Grauel  
Telephone: +49(0) 711 896 2891  
Telefax: 49(0) 711 896 3549  
andreas.grauel@behrgroup.com  
11 October 2005/FP

Patent Application in the USA and South Africa from International Application 03/02662

Inventors: Dr.-Ing. Gerrit Wölk, Patrick Jung, Sylvain Louis, Alain Maurer, Christian Michels  
Title: Soldered Refrigerant Condenser  
Our ref.: 01-B-147 WO/US and 01-B-147 WO/ZA

Dear Herr Maurer:

We refer to our preceding correspondence regarding the forms (Assignments/Declarations) for the patent applications in the USA and South Africa, which we sent to you for signature.

Enclosed you are receiving again a copy of the forms with the request to return it to us signed and dated. We are attaching an addressed return envelope.

Your signature must urgently be submitted to the patent offices involved, Please therefore send the signed forms back to us as quickly as possible. Thanks very much.

Best regards,

BEHR GmbH & Co. KG  
Intellectual Property

[signed] F, Pilavdzic  
(Secretariate)

Enclosure

## TRANSLATION from German

[Logo AR upright)

[01-B-147 W0/US]

[01-B-147 WO/SA]

German Postal Services AG

Receipt / Payment notice / Notice of  
Inscription

[above line repeated in French]

Office of mailing

Date

Receiver

Mail

[signature] Alain Maurer

Postal Service

Stamp of the returning post office

Nature of mail

☒ Letter/priority☒ Registered

Air mail

Priority air mail

[a stamp]: Sarreguemines 5 PM 27 Dec. 2005

To be filled out by receiving PO

☒ delivered

Date and signature: 27 Dec. 05

Behr GmbH &amp; Co. KG

Patent Department G-IP

Mauerstrasse 3

27 December 2005 [illegible signature]

D-70469 Stuttgart

---

TRANSLATOR'S DECLARATION

I, the below-named translator, certify that I am familiar with both the German and the English language, that I have prepared the attached English translation of six documents written in the German languages, and that the English translation is a true, faithful and exact translation of the corresponding German language documents.

I further declare that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of legal decisions of any nature based on them.

Respectfully submitted,

Date: February 8, 2006

By

  
George D. Sheehan

# APPENDIX D



Atty. Dkt. No. 046516/0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Patrick JUNG *et al.*  
Title: SOLDERED REFRIGERANT  
CONDENSER  
Appl. No.: 10/508,921  
Filing Date: September 24, 2004  
Examiner: Unknown  
Art Unit: Unknown

**STATEMENT OF THE LAST KNOWN ADDRESS OF NONSIGNING INVENTOR**  
**PURSUANT TO 37 C.F.R. § 1.47(a)**

Mail Stop: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The last known residence address of the nonsigning inventor, Allain MAURER, for the above-captioned patent application is:

Mr. Alain MAURER  
8B, rue des fermes  
57250 Grossbliederstorff  
FRANCE

Respectfully submitted,

Date 2/9/06

FOLEY & LARDNER LLP  
Washington Harbour  
P.O. Box 25696  
3000 K Street N.W., Suite 500  
Washington, D.C. 20007-8696  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

By R.L.S.  
for Reg. No. 47,369  
Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479